

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

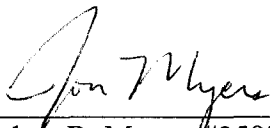
Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the matter of the failure of Gary C. Splane) Docket No.: 17-CONS-3454-CPEN
("Operator") to comply with K.A.R. 82-3-120.)
) CONSERVATION DIVISION
)
) License No.: 33135

MOTION TO RESCIND PENALTY

Upon a recent review of this docket, Staff has concluded that although technically a violation of K.A.R. 82-3-120 may have occurred, Operator attempted to remedy the situation after Staff's notice of violation letter was sent and prior to the deadline in the letter. However, a miscommunication and/or misunderstanding between Staff and other parties, about the location of a well, resulted in the final well on Mr. Splane's license not being transferred until after the Penalty Order was issued. All matters have now been resolved. If Staff had realized the situation at the time, then it would not have made its penalty recommendation. Staff therefore motions for the Commission to rescind its Penalty Order.

Respectfully submitted,



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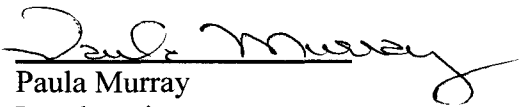
CERTIFICATE OF SERVICE

I certify that on 2/14/17, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

Gary C. Splane
P.O. Box 254
Chanute, Kansas 66720

And delivered by email to:

Michael Duenes
KCC Prehearing Officer


Paula Murray
Legal Assistant
Kansas Corporation Commission